

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5463 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE H.L.GOKHALE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.

2. To be referred to the Reporter or not? No.

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3. Whether Their Lordships wish to see the fair copy of the judgement? No.

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.

5. Whether it is to be circulated to the Civil Judge?
No.

DISTRICT EDUCATION COMMITTEE

Versus

KARAMTA NEBHABHAI LAKHABHAI

Appearance:

MR RA MISHRA for Petitioner

MR YS LAKHANI for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 3

CORAM : MR.JUSTICE H.L.GOKHALE

Date of decision: 03/09/98

ORAL JUDGEMENT

Heard Mr. R.A. Mishra for the petitioner.
Notice was issued in this matter on 11.8.98. Mr. Lakhani has filed his appearance on behalf of respondent no.1 and 2 and Mr. Kamal Mehta, A.G.P, for respondent no.3. Mr. Devnani is present for Mr. Lakhani.

Rule. The learned advocates representing the

respective respondents waive service of notice of rule.

2. The respondents no.1 and 2 herein were primary teachers working under the petitioner-District Education Committee. They filed application under section 33 A of the Industrial Disputes Act, before the Labour Court at Junagadh bearing Industrial Complaint No.49/98, that came to be allowed by the order of the Labour Court on 24th June, 1998. Being aggrieved by that award this petition is filed.

3. The main contention of Mr. Mishra is that the proceeding was misconceived in as much as the teachers are not workmen so as to invoke the jurisdiction of the Industrial Disputes Act. This is well settled position and again made it clear by the Hon'ble Supreme Court in the case of Miss A. Sundarambal Vs. Government of Goa, Daman & Diu - A.I.R. 1988 S.C. 1700. In that view of the matter, the whole proceeding was misconceived and the order is bad in law. The same is, therefore, required to be quashed and set aside and is accordingly set aside.

4. The Rule is made absolute in the above terms and there will be no order as to costs.

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